



Legislation Details (With Text)

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**Title:** Actions pertaining to Initiating Proceedings and Declare Intention to Levy the Annual Assessment for the City of Fresno Landscaping and Lighting Maintenance District No. 1; and setting the public hearing for July 30, 2015 at 10:00 a.m. (Citywide)  
1. RESOLUTION - Initiating proceedings for the annual levy of assessment  
2. RESOLUTION - Of Intention to levy and collect the annual assessment

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. LLMD No 1 FY15-16 Reso Initiating Proceedings, 2. LLMD No 1 FY15-16 Reso of Intention, 3. LLMD No 1 FY15-16 EXHIBIT A, 4. LLMD No 1 FY15-16 EXHIBIT B

Date	Ver.	Action By	Action	Result
6/25/2015	1	City Council	approved	Pass

**REPORT TO THE CITY COUNCIL**

**Date:** June 25, 2015

**FROM:** SCOTT L. MOZIER, PE, Director  
Public Works Department

**BY:** SCOTT KRAUTER, PE, Assistant Director  
Public Works Department

**SUBJECT**

Actions pertaining to Initiating Proceedings and Declare Intention to Levy the Annual Assessment for the City of Fresno Landscaping and Lighting Maintenance District No. 1; and setting the public hearing for July 30, 2015 at 10:00 a.m. (Citywide)

1. RESOLUTION - Initiating proceedings for the annual levy of assessment
2. RESOLUTION - Of Intention to levy and collect the annual assessment

**RECOMMENDATIONS**

Staff recommends the City Council:

1. Adopt a resolution initiating proceedings for the annual levy of assessment.
2. Adopt a resolution of intention to levy and collect the annual assessments.

**EXECUTIVE SUMMARY**

The Landscaping and Lighting Maintenance Act of 1972 requires an annual Engineer's Report and levy of assessments for the City of Fresno Landscaping and Lighting Maintenance District No. 1 (LLMD). The LLMD provides \$703,000 for maintenance of the City landscaping easements along the streets adjacent to the 145 City subdivisions that are included in this particular maintenance district.

At the current time, many LLMD landscapes are in need of irrigation rehabilitation and tree/shrub replacement. A special registered voter election would be required in order to increase the amount of the assessments. Therefore, staff is preparing a rate study to evaluate election options to increase the special tax rate in order to fund needed maintenance improvements. It is expected that a special election will be initiated over the course of the next year in which property owners will be asked to raise rates to cover maintenance costs during 2015 or 2016.

In the interim, it is recommended that Council begin the levy process, approve the Engineer's Report, and set the required public hearing for July 30, 2015, at 10:00 a.m., which will provide for continued assessments needed to partially landscape maintenance functions.

## **BACKGROUND**

On March 22, 1983, the Council adopted Resolution 83-93 ordering the formation of Assessment District 89 (District) subsequently renamed LLMD No. 1. The District was formed to recover the City's costs of maintaining the landscaping within the public rights-of-way and easements adjacent to existing and newly developed subdivisions. The District is comprised of 145 subdivisions with 14,870 individual assessments. The staff report includes the enclosed vicinity maps showing the locations of the subdivisions included in the LLMD.

The landscaping improvements are maintained from funds derived through assessments levied by the LLMD. These improvements are generally limited to "back-up" and "side-on" treatments primarily on major streets and do not include the maintenance of landscaping in median islands or frontage road islands. The assessments also do not cover the costs to maintain pocket parks, utility easements, trails, bike paths, and greenways.

The District was formed pursuant to the Landscaping and Lighting Act of 1972 which requires that a noticed public hearing be held before August 10<sup>th</sup> of each year in order to levy the annual assessments for continued maintenance and related expenses.

The assessments will remain the same as in FY2014-FY2015 due to the constraints placed by the approval of California Proposition No. 218 in November of 1996. Prior to 1996, the Council could increase the assessments for maintenance annually to compensate for the increased cost of operations. However, after 1996 rates in the LLMD assessments have not been increased; so, the current assessments 19 years later are still based on 1996 maintenance costs. At the current time, many LLMD landscapes are in need of irrigation rehabilitation and tree/shrub replacement. A special registered voter election would be required in order to increase the amount of the assessments. Currently staff is preparing a rate study to evaluate election options to increase the special tax rate and fund maintenance improvements. It is expected that a special election will be initiated to ask LLMD members to raise rates to cover maintenance costs during 2015 or 2016.

The attached Resolution of Intention sets the required public hearing for July 30, 2015, at 10:00 a.m. in the City Council Chamber. A notice stating the date and time of the hearing will be published in

the Fresno Business Journal a minimum of ten days prior to the scheduled hearing. An individual notice to each property owner is not required by the Landscaping and Lighting act of 1972 if there is no increase in the assessment.

## **ENVIRONMENTAL FINDINGS**

By the definition provided in the California Environmental Quality Act Guidelines Section 15378 this item does not qualify as a “project” and is therefore exempt from the California Environmental Quality Act requirements.

## **LOCAL PREFERENCE**

Local preference was not considered because this action does not include a bid or award of a construction or services contract.

## **FISCAL IMPACT**

The Public Works Department performed the maintenance in the past LLMD fiscal year using only assessment funds collected (\$703,000). Approval of the annual levy of the LLMD assessments will provide funding for a continuation of the current service levels within the LLMD subdivisions.

### Attachments:

1. Resolution to Proceed
2. Resolution of Intention
3. Exhibit A - Vicinity Maps (one through five)
3. Exhibit B - Description of Existing Improvements